

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

HOPE ELLIS, ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:04CV160-P-D

KOPPERS INDUSTRIES, ET AL.,

DEFENDANTS.

ORDER

This matter comes before the court upon Defendant Koppers, Inc.'s June 13, 2005 Motion to Strike the Affidavit of Devraj Sharma [46-1] and Motion to Strike the Affidavit of Glenn Johnson [47-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

On January 21, 2005, the court entered an Order consolidating the instant case with the lead case of *Beck, et al. v. Koppers, et al.*, Civil Action No. 3:03cv60-P-D. Said Order also provided that henceforth all documents in the *Ellis* case were to be filed in *Beck*. On March 30, 2005 the court entered an Order which, among other things, stayed this case until further order of the court.

Despite these two rulings, Defendant Koppers, Inc. filed two motions to strike certain affidavits on June 13, 2005. These motions should not have been filed at all given the court's stay of *Ellis* and its consolidation with *Beck*. Defendant Koppers has not filed a motion to lift the stay.

The court concludes that the instant motions should be denied with permission to refile when the court's March 30, 2005 stay is lifted. Furthermore, any motions are to be filed in the lead *Beck* case. This decision is based in part on the court's prior orders and in part on considerations of judicial economy. Given the court's severance of 98 plaintiffs in the *Beck* case with the remaining 12 plaintiffs to have separate trials, there is no practical reason to act on the 948 plaintiffs' claims

in *Ellis* (which will almost certainly be severed at the appropriate time), until those of the 12 in *Beck* are resolved.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant Koppers, Inc.'s June 13, 2005 Motion to Strike the Affidavit of Devraj Sharma [46-1] and Motion to Strike the Affidavit of Glenn Johnson [47-1] are **DENIED**; and

(2) The parties are instructed once again to file any motions regarding the *Ellis* case in the lead case of *Beck, et al. v. Koppers, Inc.*, Civil Action No. 3:03cv60-P-B, but only at the point in which the court lifts the stay in *Ellis*.

SO ORDERED this the 24th day of February, A.D., 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE